

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 04-3387

ROBERT SPERO, Administrator of the
Estate of Mitchell Spero; ROBERT
SPERO, Individually; MICHAEL SPERO,
Individually; LANE SPERO, Individually;
HARRIETTE SPERO, Individually

v.

RAYMOND HELGE; CHRISTOPHER MULLEN; ANTHONY JONES;
ANDREW BATEAU; "JOHN" PAINTER, (first name fictitious);
"JOHN" BARBIERI, (first name fictitious); "JOHN" COLLINS, (first
name fictitious); "JOHN" OLYNYK, (first name fictitious);
"JOHN" STRYCH, (first name fictitious); ARLENE KOCH;
LYNN HELEN GOFF; RUSSELL F. KANE; TIMOTHY SUDOWSKY;
MONROE TOWNSHIP POLICE DEPARTMENT; MONROE TOWNSHIP
FIRE DEPARTMENT; MONROE TOWNSHIP FIRST AID SQUAD;
"JOHN DOE", 1 through 10 (fictitious names), being training officials and others
responsible for the training and maintenance of standards of the Monroe
Township Police Department; "JOHN DOE", 11 through 20, (fictitious names),
being training officials and others responsible for the training and maintenance
of standards of the Monroe Township Fire Department; "JOHN DOE",
21 through 30, (fictitious names), being training officials and others responsible
for the training and maintenance of standards of the Monroe Township First Aid
Squad; RICHARD PUCCI, Mayor, Monroe Township; "JOSEPH JOE",
1 through 10 (fictitious names), being members of the Monroe
Township Council; "JOHN SMITH", (a fictitious name), Chief,
Monroe Township Police Department; JAMES BEEBE; "MARY MOE",
(a fictitious name), Chief Monroe Township First Aid Squad; "PETER POE",
1 through 5 (fictitious names), being the 911 dispatchers, trainers, and those
responsible for maintaining the 911 system in Monroe Township; TOWNSHIP OF
MONROE, a Municipal Corporation of the State of New Jersey

Robert Spero and Harriett Spero,

Appellants

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

D.C. Civil No. 02-cv-05226

District Judge: The Honorable Dickinson R. Debevoise

Submitted Under Third Circuit LAR 34.1(a)

July 1, 2005

Before: ROTH, RENDELL, and BARRY, Circuit Judges

(Filed: July 18, 2005)

OPINION

BARRY, Circuit Judge

Before us is the tragic case of Mitchell Spero (“Spero”), who died in November 2000 following a violent encounter with police in which Spero, who was under the influence of LSD, mounted a quite extraordinary resistance to arrest. Spero’s parents, plaintiffs in this action, filed suit against a number of individual and municipal defendants, alleging a series of federal and state claims, including 42 U.S.C. § 1983. Plaintiffs now appeal from a July 20, 2004 order of the District Court, which granted summary judgment in favor of all defendants as to each of plaintiffs’ federal claims and dismissed, without prejudice, plaintiffs’ supplemental state claims.

We have carefully reviewed Judge Debevoise's thirty-eight-page opinion in this matter in which he conscientiously considered the record and meticulously analyzed the issues presented. We see no need to expand upon this analysis, surely cannot improve upon it, and agree with the conclusions he reached. Accordingly, for substantially the reasons set forth by the District Court, we will affirm its July 20, 2004 order.